

REMARKS/ARGUMENTS

**Claim Status**

Claims 12-16 and 18-28 are pending. Claims 12 and 19 are currently amended for grammatical purposes and to improved readability. Claim 12 is also currently amended to include the subject matter of previously presented claim 17 with the exception of “faujasite”. Accordingly, claim 17 has been canceled. Claims 19 and 20 are withdrawn pursuant to a previous Restriction Requirement. Claims 21-28 are added and are parallel to original claims 12-16 and 18-20 respectively. New claims 21-28 require the sulfonating and neutralizing step that was merely optional in original claim 12. No new matter has been entered.

**§102(b) Rejection**

Claims 12-16 and 18 are rejected under 35 U.S.C. §102(b) as anticipated by *Scheibel* (WO 99/05244). Applicants respectfully traverse this rejection.

As described above, the subject matter of non-anticipated claim 17 has been incorporated into independent claim 12; therefore claim 12 and the claims dependent therefrom (i.e., claims 13-16 and 18-20) are also not anticipated by *Scheibel*. Accordingly, Applicants request the withdrawal of this rejection.

**§103(a) Rejection**

Claims 12-18 are rejected under 35 U.S.C. §103(a) as obvious in view of *Scheibel*, *Kott* (WO 02/092737) and *Steinbrennar* (WO 03/029172). Applicants respectfully traverse this rejection.

As noted above, the claimed alkylation process uses an alkylation catalyst selected from the group consisting of zeolites of the EPI, FER structural types and pentasils having MFI or MEL structure (see claim 12). However, as the Office has recognized (page 3, lines

15-17, of the outstanding Office Action), *Scheibel* and *Kott* are silent with respect to such alkylation catalysts. In view of this deficiency of both *Scheibel* and *Kott*, the Office uses *Steinbrennar's* disclosure of alkylation catalysts (see page 28, lines 23-31) to fulfill the deficiency and to conclude that an alkylation process using such alkylation catalysts would be obvious. More specifically, the Office relies on *Steinbrennar's* disclosure of "faujasite" as the overlapping alkylation catalyst with the claimed process. As the currently claimed process uses an alkylation catalyst selected from the group consisting of zeolites of the EPI, FER structural types and pentasils having MFI or MEL structure, which does not include the overlapping faujasite catalyst, *Steinbrennar* can not be considered to fulfill the deficiencies of *Scheibel* and *Kott*; therefore a *prima facie* case of obviousness does not exist among these three references.

Accordingly, *Scheibel*, *Kott* and *Steinbrennar*, alone or in combination, do not render Applicants' claims obvious. Thus, Applicants request the withdrawal of this rejection.

### **Provisional Non-Statutory Double Patenting Rejection**

Claims 12-18 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over the claims of US 10/490,218 and US 10/343,835 in view of *Scheibel*, *Kott* and *Steinbrennar*.

Applicants request that these rejections be held in abeyance until the present application is in condition for allowance for the following reasons. A terminal disclaimer can be filed, if the claims in the present application remain obvious in view of the claims of U.S. Application No. 10/343,835 or 10/490,218 at the time of allowance of the present application. Furthermore, additional amendments (if needed for allowance of these claims) may eliminate the double-patenting rejections, making the filing of a Terminal Disclaimer at this time premature. Indeed, M.P.E.P. § 804.02 IV states that, prior to issuance, it is necessary to

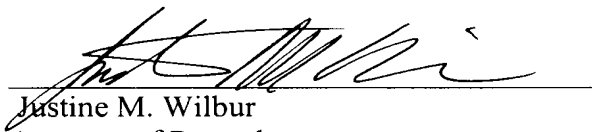
disclaim each one of the double patenting references applied. Hence, Applicants respectfully request that the examiner contact the undersigned should the present amendments and arguments be accepted and should the present application be otherwise in condition for allowance. At that time, a terminal disclaimer if warranted can be supplied to expedite issuance of this case.

### **Conclusion**

For the reasons discussed above, Applicants submit that all now-pending claims are in condition for allowance. Applicants respectfully request the withdrawal of the rejections and passage of this case to issue.

Respectfully submitted,

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